

REMARKS**Summary of the Office Action**

In the Office Action dated September 16, 2003, claims 1-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,583,334 to Baumann (hereinafter "Baumann").

Summary of the Response to the Office Action

Applicant proposes to amend independent claims 1-3 as provided herein to place the application in clear condition for allowance or, alternatively, in better form for appeal. Claims 1-10 remain pending in this application.

The Rejection under 35 U.S.C. § 102(b)

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baumann. Applicant proposes to amend independent claims 1-3 as provided herein to place the application in clear condition for allowance or, alternatively, in better form for appeal. Claims 1-10 remain pending in this application.

In response to the arguments set forth in the Request for Reconsideration filed December 16, 2003, the Office Action stated at page 2 that Applicant's arguments rely upon treating the preamble of the claims as a limiting feature. Accordingly, Applicant amends independent claim 1 to recite "arranging a first optical sensor in parallel with one face of the plate-shaped or sheet-shaped body." Applicant also amends each of independent claims 2-3 to recite:

a first optical sensor including a first light emitting section and a first light receiving section opposed to each other at a first interval, said first optical sensor arranged in parallel with one face of the plate-shaped or sheet-shaped body.

The Office Action further stated at page 2 that there is no requirement in the claim language that receivers and transmitters be situated on opposite sides of the body to be detected.

In response, Applicant amends independent claim 1 to recite:

arranging a second optical sensor in parallel with the other face of the body and in parallel with the first optical sensor, thereby arranging the first optical sensor and the second sensor on opposite sides of the plate-shaped or sheet-shaped body.

Applicant also amends each of independent claims 2-3 to recite:

a second optical sensor including a second light emitting section and a second light receiving section opposed to each other at a second interval, said second optical sensor arranged in parallel with the other face of the body and in parallel with said first optical sensor thereby the first optical sensor and the second sensor being arranged on opposite sides of the plate-shaped or sheet-shaped body.

Applicant respectfully submits that, in the instant invention as recited in amended independent claims 1-3, the object to be detected is a plate-shaped or sheet-shaped body. A first optical sensor arranged in parallel with one face of the plate-shaped or sheet-shaped body includes a first light emitting section and a first light receiving section. Further, a second optical sensor arranged in parallel with another face of the plate-shaped or sheet-shaped body includes a second light emitting section and a second light receiving section. Applicant respectfully submits that both the first light emitting section and the first light receiving section are arranged in parallel with one face of the plate-shaped or sheet-shaped body, and both the second light emitting section and the second light receiving section are arranged in parallel with the other face of the plate-shaped or sheet-shaped body.

Applicant respectfully submits that in contrast with the instant invention, Baumann does not disclose a detection of a plate-shaped or sheet-shaped body. Applicant submits that, as depicted in Fig. 6 and as recited at column 10, lines 29-30 of Baumann, the object detected by Baumann is a relatively large obstacle, for instance a case or a briefcase.

Further, Applicant respectfully submits that even if the object of Fig. 6 of Baumann is plate-shaped or sheet-shaped body, the arrangement of the light transmitters and light receivers in Baumann differs from that of the instant invention. As depicted in Fig. 6, in contrast to the instant invention, the light transmitters 11i of Baumann are arranged only on one side of the object, and the light receivers 12j are only arranged on the other side of the object.

In view of the foregoing remarks, Applicant respectfully submits that Baumann does not teach or suggest each feature of independent claims 1-3. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicant respectfully submits that independent claims 1-3 are in condition for allowance as not being anticipated by Baumann. Moreover, Applicant submits that claims 4-10 are allowable for at least the same reasons as set forth above with regard to independent claims 1-3 upon which they depend, respectively, and for the additional features that each recites. Accordingly, Applicant respectfully requests that the rejection of claims 1-10 under 35 U.S.C. § 102(b) be withdrawn.

Conclusion

In view of the foregoing, Applicant respectfully requests entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

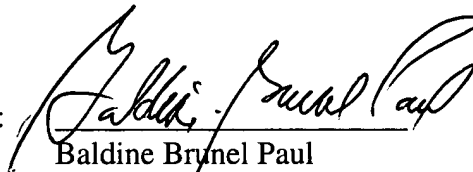
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 21, 2004

By:



Baldine Brunel Paul

Registration No. 54,369

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001